

IN RE: Ann T. Farrar, et al)
Dist. 24, Map 134, Control Map 134, Parcel 12.00,) Bedford County
S.I. 000)
Farm Property)
Tax Year 2006)

Statement of the Case

<u>Land Use Value</u> ¹	<u>Improvement Value</u>	<u>Total Value</u>	<u>Assessment</u>
\$112,600	\$63,200	\$175,800	\$43,950

This matter was reviewed by the undersigned administrative law judge pursuant to Tennessee Code Annotated (T.C.A.) §§ 67-5-1412, 67-5-1501 and 67-5-1505. This hearing was conducted on September 6, 2007, at the Bedford County Assessor's Office in Shelbyville, Tennessee. Present at the hearing were Ann T. Farrar, the taxpayer, and Ronda Helton Clanton, Assessor of Property for Bedford County.

The subject property consists of a family farm comprised of 175.53 acres located at 220 Ike Farrar Road, in Shelbyville, Tennessee. The issue involves rollback taxes from a transfer of the property under Greenbelt designation.

However, the initial issue is whether or not the State Board of Equalization has the jurisdiction to hear the taxpayer's appeal. The law in Tennessee generally requires a taxpayer to appeal an assessment to the County Board of Equalization prior to appealing to the State Board of Equalization. T.C.A. §§ 67-5-1401 & 67-5-1412 (b). A direct appeal to the State Board of Equalization is only permitted if the assessor does not timely notify the taxpayer of a change of assessment prior to the meeting of the County Board. T.C.A. §§ 67-5-508(b) (2); 67-5-1412 (e). Nevertheless, the legislature has also provided that:

The taxpayer shall have a right to a hearing and determination to show reasonable cause for the taxpayer's failure to file an appeal as provided in this section and, upon demonstrating such **reasonable cause**, the [state] board shall accept such

¹ Land Market Value \$349,800 with total Market Appraisal at \$413,000.

appeal from the taxpayer up to March 1st of the year subsequent to the year in which the assessment is made (*emphasis added*).

In analyzing and reviewing T.C.A. § 67-5-1412 (e), the Assessment Appeals Commission, in interpreting this section, has held that:

The deadlines and requirements for appeal are clearly set out in the law, and owners of property are charged with knowledge of them. It was not the intent of 'reasonable cause' provisions to waive these requirements except where the failure to meet them is **due to illness or other circumstances beyond the taxpayer's control**. (*Emphasis added*), *Associated Pipeline Contractors Inc.*, (Williamson County Tax Year 1992, Assessment Appeals Commission, Aug. 11, 1994). See also *John Orovets*, (Cheatham County, Tax Year 1991, Assessment Appeals Commission, Dec. 3, 1993).

Thus, for the State Board of Equalization to have jurisdiction in this appeal, the taxpayer must show that circumstances beyond his control prevented him from appealing to the Bedford County Board of Equalization. It is the taxpayer's burden to prove that they are entitled to the requested relief.

In this case, the taxpayer, Mrs. Farrar, did not appeal to the Bedford County Board of Equalization. Mrs. Farrar relates she did not receive any Notice of the change in the assessment. It appears that the subject property had been in her husband's family for a number of years, he subsequent bought out the other heirs of the property but then he died on October 14, 2003. The property was deeded to her (with a Life Estate in her name only with a reaminderman to her children) by an Executrix's Deed executed on July 13, 2005. Mrs. Farrar testified that her son lives on the property and has continuously throughout these proceedings, she however, has moved three (3) times during this process and is not sure if or when she would have received the Notice regarding the requirement to re-apply for the Greenbelt designation which Mrs. Clanton testified the County routinely sends out when there are "new" owners of Greenbelt property². Mrs. Farrar testified that she was, understandably, quite distraught during this time and is just not sure of receiving the Notice. Currently a death is [an]**other circumstance(s) beyond the taxpayer's control**. *Id at*), *Associated Pipeline Contractors Inc.*, (Williamson County Tax Year 1992, Assessment Appeals Commission, Aug. 11, 1994).

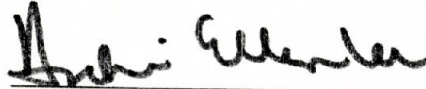
The Administrative Judge finds that reasonable cause does exist justifying the failure to first appeal to the Bedford County Board of Equalization and thus the State Board of Equalization does have jurisdiction to hear this appeal.

² Mrs. Farrar has subsequently completed the Greenbelt application and the property once again enjoys the Greenbelt designation.

Order

It is so ORDERED. This matter will be docketed at a later time for a further hearing on outstanding issues.

ENTERED this 18th day of October, 2007.



ANDREI ELLEN LEE
ADMINISTRATIVE JUDGE
TENNESSEE DEPARTMENT OF STATE
ADMINISTRATIVE PROCEDURES DIVISION

c: Mrs. Ann T. Farrar
Ronda Helton Clanton, Assessor of Property